

APPLICATION GRANTED

SO ORDERED

VERNON S. BRODERICK

U.S.D.J. 08/21/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S. KATZMAN PRODUCE INC.,

Plaintiff,

- against -

ABRAHAM PRODUCE CORP. t/a H LEE a/t/a H LEE
TRUCKING and NAM H. LEE,

Defendants.

Case No. 22-cv-10108 (VSB)

**NOTICE OF MOTION FOR
SECOND INTERIM
DISTRIBUTION
OF AVAILABLE FUNDS**

PLEASE TAKE NOTICE, that upon the annexed declaration of Gregory Brown, counsel for plaintiff S. Katzman Produce Inc., dated July 24, 2023, the PACA Trust Chart¹ annexed thereto, this Court's Preliminary Injunction Order and Order Establishing PACA Trust Claims Procedure and Granting Related Relief (Docket No. 20) (the "PACA Procedures Order"), and all other papers and proceedings heretofore had herein, Plaintiff's Counsel will move this Court before the Hon. Vernon S. Broderick, in accordance with the PACA Procedures Order, Local Civil Rules and Judge Broderick's individual rules of practice, for the entry of an order directing the distribution of \$150,000.00 (the "Available Funds") from the funds on deposit in the PACA Trust Account according to the ratios set forth in the PACA Trust Chart and awarding Plaintiff and all other similarly situated PACA Trust Creditors such other and further relief as the Court deems just and proper (the "Motion.")

PLEASE TAKE FURTHER NOTICE, that pursuant to the PACA Procedures Order, any objection to this Motion may be made by any party in interest and must be filed with the Court and served on all counsel of record on or before August 7, 2023.

PLEASE TAKE FURTHER NOTICE, that pursuant to the PACA Procedures Order, in

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the PACA Procedures Order.

the event no objection is timely filed in opposition to this Motion, Plaintiff's Counsel will make an interim distribution of Available Funds in accordance with the PACA Trust Chart without the need for further order of the Court.

Dated: July 24, 2023

Respectfully submitted,
McCARRON & DIESS
Attorneys for Plaintiff

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